HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 19078 of 2007

Dated: 23-10-2007

Between:

Brundavanam Badarinadh

..... PETIT

AND

The District Collector,
Krishna, Machilipatnam and another.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 19078 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to quash the acquisition proceedings dated 19-06-2007 notified under Section 4(1) of the Land Acquisition Act (for short 'the Act').

At the hearing, learned Assistant Government Pleader submitted that notice in Form-3 dated 20-06-2007 was served on the petitioner on 08-07-2007, which is one day before the schedule date of enquiry, namely, 09-07-2007.

Learned counsel for the petitioner stated that in view of paucity of time, objections could not be sent before the scheduled date of enquiry, but however, they were sent on
23-07-2007.

Since the main grievance of the petitioner is that proper opportunity was not afforded to him in the enquiry under Section 5-A of the Act, I deem it appropriate to dispose of the writ petition with a direction to the respondents to afford the opportunity of hearing as envisaged under Section 5-A of the Act to the petitioner, considering his objections and dispose of the same as per law. The respondents shall issue a notice to the petitioner, fixing the date and hold enquiry on the date so fixed. Till completion of this exercise, the respondents shall not take further steps towards acquisition of petitioner's lands.

The writ petition is disposed of accordingly. No costs.

C.V.NAGARJUNA REDDY,J

Date: 23-10-2007
KLP